

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14675 of the National Education Association, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Sub-section 508.1 allowing an addition to a nonprofit office building and a variance from the floor area ratio requirements (Section 531) in an SP-2 District at premises 1201 16th Street, N.W. (Square 196, Lots 34 and 35).

HEARING DATE: October 14, 1987

DECISION DATE: October 14, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site is located at the northeast corner of 16th and M Streets, N.W., at 1201 16th Street, N.W. The site is comprised of two irregularly shaped and separate lots (Lots 34 and 35) divided by a 15 foot wide public alley. The site is in the SP-2 District.

2. The site has a total land area of approximately 55,155 square feet. The site is presently improved with two eight-story plus penthouse and basement wings connected, both below grade and from the fourth level up. The wing located on Lot 35 currently contains approximately 210,933 square feet of gross floor area and is referred to as the west wing. The wing on Lot 34 contains approximately 101,048 square feet of gross floor area and is referred to as the east wing.

3. The uses in the vicinity of the site include a mix of uses characteristic of those normally found in the SP and C-4 Districts. There are a number of nonprofit and commercial office buildings on directly across 16th Street from the site.

4. The majority of the buildings in the vicinity are eight-story structures of brick, limestone, glass and other similar materials. There is a twelve-story building under construction across the street from the site at 1550 M Street.

5. The National Education Association (NEA)'s have been located in the District of Columbia since 1920. Through a series of purchases between 1919 and 1929, the NEA acquired all of the property that makes up the subject site. In the early 1950's, the NEA drew up plans for the staged

development of the NEA headquarters complex that exists on the site today. On October 15, 1954, the NEA presented the general overall plans for the redevelopment of the site at a public hearing before the D.C. Zoning Commission. The details of the development were then presented to the Board of Zoning Adjustment on December 15, 1954 in Appeal No. 4004.

6. The Board approved the construction of nearly all stages of the headquarter's five stage development. Stage I, fronting on M Street, required no zoning approvals because the land was already zoned commercial. Stage II entailed the renovation and refacing of the Annex, adjacent to Stage I. Stage III provided for the construction of the 8-story office building on the corner of 16th and M Streets. The Board approved Stage II and part of Stage III in Appeal No. 4004. On September 23, 1955, in Appeal Nos. 4255 and 4256, the Board granted the NEA permission to proceed with the rest of Stage III, provided that parking be located in Stage IV of the project on the property across the alley on M Street (now known as the east wing). Before the NEA was able to implement its plans for Stage IV, in 1958 the D.C. Zoning Commission comprehensively rezoned the City and the subject property was placed in the SP District with a maximum permissible FAR of 5.5. Accordingly, NEA had to again seek approval from this Board to construct the planned eight-story east wing office building/parking garage complex which was designed to an FAR in excess of 5.5. The Board granted the NEA relief from the FAR and rear yard requirements on April 21, 1959, in Appeal No. 5113, noting that the NEA's overall plans were based on the regulations in effect prior to 1958. The Board approved the final stage of the complex, Stage V, on May 17, 1965, in Appeal No. 8192. Stage V, an addition of a north part to the west wing along 16th Street, required an FAR variance and permission to provide the required parking in the east wing. Construction of Stage V was completed in 1967.

7. The proposed application would allow additional FAR in various locations throughout the building, including an atrium in the existing court at the rear of the west wing and a fire stair running from the third to the eighth floor at the rear of the west wing. These additions will add to the total FAR but, the additions' FAR is offset by the deletion of some existing FAR.

8. Under the original application, FAR was to be added to the east wing, the applicant at the public hearing modified the proposed plans to eliminate the additional FAR to the east wing. Also proposed were several minor additions to the penthouse.

9. The NEA building is in need of major repairs. The current face of the building, constructed of reinforced concrete encased in Vermont marble, aluminum, and green tinted glass, is extremely weathered, and certain components

are failing. All of the infrastructure systems are outmoded and in need of replacement.

10. The proposed atrium addition is intended to provide an attractive dining and meeting area for the building's employees that can be used on a year-round basis, to provide greater climate control, and to enhance efficient internal circulation. The proposed fire stair addition is necessary to comply with building code requirements.

11. Neither the height nor the basic design of the NEA building will be affected by the applicant's proposal. The basic bulk of the building will not be affected. The proposed additions will not be seen from either 16th Street or M Street.

12. There will be no increase in the number of employees or visitors on the site as a result of this application nor will the use of the building change.

13. The subject building currently exceeds the permissible FAR. After its construction to an FAR in excess of 5.5 in the 1950's and 1960's, the Zoning Commission divided the SP District into the SP-1 and SP-2 Districts and mapped the subject site in the SP-2 District with a permissible nonresidential FAR of 3.5.

14. Advisory Neighborhood Commission 2B, through a letter dated October 2, 1987, reported that at their September 9, meeting, they voted unanimously to support the application as the community had expressed no opposition to it.

15. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception and a variance. With reference to the special exception, the applicant must prove that it has complied with the requirements of Sub-sections 508 and 3108.1 of the Zoning Regulations. The Board concludes that based on the evidence and testimony, that with the proposed additions, the use, height, bulk, and design will be in harmony with the existing uses and structures on neighboring properties.

The Board further concludes that the use shall not create dangerous or other objectionable traffic conditions as there will be no increase in the number of employees or visitors to the site. The Board further concludes that with

the proposed additions, the use will not create dangerous or other objectionable traffic conditions.

As to the variance relief, the applicant must prove that it has complied with the requirements of Section 531 and 3107.2 of the Zoning Regulations. The Board concludes that the requested variance is an area variance, the granting of which requires a showing of an exceptional or extraordinary situation or condition, inherent in the property, that a strict application of the Zoning Regulations will result in a practical difficulty, and that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning plan. The Board concludes that the subject site is affected by an extraordinary or exceptional situation or condition because of the existing nonconforming structure on the site.

The existing building was approved by the Board in various stages. Because of a change in the Zoning Regulations after the initial plans for the Center had been completed and approved, the building already exceeded the permissible FAR by the time construction was completed. The 1978 change in the Regulations served to increase the extent of the building's nonconformity. The proposed addition will add 9,397 square feet, for an increase in FAR of 0.23 resulting in a total square footage of 101,307 square feet necessitating a variance of 48,921 square feet, or 93.38 percent. The practical difficulty results because there is no reasonable alternative space within the existing structure to create the atrium space or add the fire stair. The fire stair is necessary as a life safety element and the atrium is necessary to provide a pleasant dining and gathering area and to promote more efficient climate control and internal circulation.

The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The proposed additions are minor and are positioned in such a way that they will not be seen from either 16th Street or M Street, N.W.

The Board further concludes that it has given to Advisory Neighborhood Commission 2B the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application for a special exception and variance is hereby GRANTED subject to the CONDITION that construction shall be in accordance with the Plans marked as Exhibit No. 6 as amended by Exhibit No. 26 of the record.

VOTE: 4-0 (Paula L. Jewell, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant; Maybelle T. Bennett not voting, having recused herself).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: DEC 31 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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